UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
APR 25 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

MICHAEL ALAN CROOKER,

PLAINTIFF,

V.

ASSOCIATED RECOVERY SYSTEMS,

DEFENDANT.

CIVIL NO. 08-630-JAH-JMA

NUNC PRO TUNC

APR 23 2008

PLAINTIFF'S MOTION FOR REMAND TO STATE COURT

Plaintiff Crooker moves that this case be retransferred to San Diego County Superior Court from whence it came.

The courts have recognized that the Title 15 U.S.C. consumer protection statutes have concurrent jurisdiction provisions and the plaintiff's choice of forum should be respected. Ruth v. Westinghouse Credit Company, 373 F.Supp. 468 (W.D. Okla. 1974) (Plaintiff's choice of state forum would be upheld and case would be remanded to state court.); Griffin v. Hooper-Holmes Bureau, Inc., 413 F.Supp. 107 (M.D. Fla. 1976)(When suit was commenced in state court it was "improvident" to allow removal to Federal District Court.)

More recent cases say the same thing. King v. Retailer's National Bank, 388 F.Supp.2d 913 (N.D. Ill. 2005)("Defendant's removal to federal court was improper and the court grants plaintiff's motion to remand."); Harper v. TRW, Inc., 881 F.Supp. 294 (E.D. Mich. 1995)(Removed consumer case remanded back to state court.)

Furthermore, there are state law claims intertwined in the present lawsuit. Complaint at ¶1 and ¶9. While the plaintiff did not set out the exact California state law counterparts to the FDCPA, he did allude to them and pleadings of pro se prisoner litigants must be liberally construed under Haines v. Kerner, 404 U.S. 519 (1972).

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I have this date mailed a copy of the foregoing to Patrik Johansson, Attorney, Lewis Brisbois, etc., LLP, 221 North Figueroa St., Ste. 1200, Los Angeles, CA 90012.

Dated: April 19, 2008 s/